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WILLIAM ^{and} MARY COLLEGE

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SIR WILLIAM THOMPSON, BROTHER OF STEVENS
THOMPSON, ATTORNEY-GENERAL OF VIRGINIA.

By MISS KATE MASON ROWLAND.

[Continued from last number.]

In the session of 1722, in the debate on a motion for raising a hundred thousand pounds on the Roman Catholics towards the supply of the current year, Sir William Thompson spoke in favor of the measure. The supply was to be raised to reimburse the public for the great expenses occasioned by "the late rebellions and disorders." It was opposed as an extraordinary tax, carrying the face of persecution, which was inconsistent with the privileges of the Protestant religion. In reply to Lord Gage and Mr. Onslow, Sir William Thompson defined "the notion in his opinion of persecution, which was only when any one is punished for his particular opinion in religion, and for serving God according to that opinion and the dictates of conscience." But he added, "That was not the case here, for the extraordinary tax, now intended to be raised upon the Papists, was not a punishment for their being Roman Catholics, but on account of penalties they had at divers times incurred for being enemies to the civil government, raising rebellions and contriving plots against the State."

The impeachment of the Earl of Macclesfield took place in the Parliament of 1725. Of the twenty-one articles the first ten charged the accused with specific acts of corruption in extorting large sums from several of the masters in chancery as the price of their admission. The eleventh and twelfth articles charged him with admitting unworthy persons as masters. The next seven articles charged Lord Macclesfield with various artifices for evading the discovery of his defalcations. The twentieth article charged him with borrowing money of the masters that belonged to the

suitors; and the concluding article made a specific charge of corruption in the management of the estates of an infant heir.

Sir William Thompson, as one of the managers, was to assist in maintaining the fifteenth, sixteenth, and seventeenth articles, but he confined himself to the consideration of the seventeenth, as the others had been fully discussed by those who spoke before him. He concluded his argument in these words: "The commons are sensible that he, who has so long been a stranger to justice, will at last meet with it here; and that your lordships' providential wisdom will never suffer such reproaches to be cast upon this, as have been thrown out upon another nation, 'that a judge is an evening wolf; that justice standeth afar off, and equity cannot enter.'"

Sir William Thompson was appointed also to inspect and examine the papers of the several masters to determine their deficiencies. The trial took place at the bar of the House of Lords, and not in Westminster Hall as was usually the case. There were nineteen managers in all, and the trial lasted ten days. Many curious revelations were made by the masters of the way in which they had obtained their places, and the Earl was found guilty and fined thirty thousand pounds. As Sir Thomas Parker, he had been conspicuous in the Sacheverell trial, and he had presided at the trial of Daniel Dammarree at the Old Bailey, for high treason in pulling down meeting-houses.

This trial with that of Francis Willis and George Purchase, the rioters of the Sacheverell party, has already been referred to as one in which Sir William Thompson was counsel for the queen.

Other state trials at the Old Bailey in which Sir William Thompson appears, occurred in 1726 and 1729. Major John Oneby was tried for the murder of William Gower, in the former year, "before the Right Honorable Sir Francis Forbes, Knt., Lord Mayor of London, Mr. Baron Hale, Sir William Thompson, Knt., Recorder of London and others, his majesty's justices." A verdict of guilty was pronounced, and the unfortunate man killed himself in prison the night before the day appointed for his execution.

In 1729 Sir William Thompson was one of the judges presiding at the trial of William Hales for forgery. There were several other indictments of the same character that followed, and there was some discussion as to the punishment that should be inflicted. Hales was found guilty of "obtaining money by false tokens," and the law did not allow of fine in the case, but prescribed corporal punishment.

"Sir William Thompson, 'The question is, what corporal punishment? To be sure he will be pilloried.'

"Sergeant Whittaker, 'The pillory, my lord, is nothing, only to look through a wooden casement. We humbly hope some punishment will be ordered, not only ignominious, but corporal, as the words are very extensive.'

"Sir William Thompson, 'The court, to be sure, will order imprisonment, as well as the pillory, and security afterward.'

"Sergeant Whittaker, 'But should not the punishment left to the discretion of the court be extended to something further?'

"Sir William Thompson, 'I am not for extending it to torture. I know not any precedent, nor would I begin anything of that nature. The king himself is limited by our law.'

"Sergeant Whittaker, 'The penalty seems left to the discretion of the court.'

"Sir William Thompson, 'I would not extend it. I do not know but that the Parliament may think of something else afterwards.'

"Sergeant Whittaker, 'Well, sir, I have laid it before you. I submit it.'"

The sentence was fine, imprisonment, and the pillory, and Sergeant Whittaker did not carry his point against the humane decision of Sir William Thompson.

In July, 1729, when most of the judges were on their circuits, the case of Thomas Bambridge, for felony, came before the court of the Old Bailey, and Sir William Thompson said: "As I have the honor to be a member of the House of Commons, and as this prosecution was ordered by address from the House, it may be objected by the prisoner that I am both prosecutor and judge." The prisoner did object, but it was urged that there was no other judge to preside, and the Lord Mayor was too much engaged to appear. Sir William Thompson professed his willingness to waive the objection on his part for the convenience of the court, as it was feared that some of the witnesses might be out of the way if the case was deferred, and he assured the prisoner that he should have "all the indulgence the law will allow." But Bambridge still demurred, and the court was adjourned, in expectation that some of the absent judges would come to town. Meeting again a week later there was still the same difficulty. Some of the judges had returned from their circuits, but were too tired to take up the case. Bambridge said he had no personal objection to Sir William Thompson, on the contrary he had "long had a regard for him," but he

begged that no person belonging to the House might have anything to do with the trial. And Sir William said, "I have had the objection in my mind, and the more I think of it the more improper it seems to me. I know no instance, no parallel." When the attorney-general declared that he was forced to be out of town at the next session, in August, Sir William replied that he wished it was otherwise: "If you can tell me of any case where a judge acted as prosecutor and judge I will try him." To this the attorney-general responded, "I can't recollect any precedent," but he cited the Court of King's Bench, granting the information and trying the cause. To this Sir William answered, "After the Court of King's Bench grants information, they hear both parties. Whoever reads the act passed last session, if I had tried him, would say I was not impartial." And he concluded, "The trial must go over, it must take its fate."

Sir William Thompson was Recorder of London from 1714 to the time of his death in 1739, sometimes acting in his own person and sometimes through his deputies, Sergeants Raby and Urling. The city government of London consists of mayor, aldermen, and common council with the recorder. The latter must be "a grave and learned lawyer, skilful in the customs of the city, chief assistant to the lord mayors, for their better direction in matters of justice and law. He takes place in councils and in courts before any men that hath not been mayor, and learnedly delivers the sentence of the whole court." The criminal jurisdiction of the city includes the London Sessions, held generally eight times a year, with the recorder as the acting judge, for the trial of felonies, &c.

On the accession of George I. and his public entry into London, the new Recorder, Sir William Thompson, made a speech of welcome in the name of the lord mayor, aldermen, sheriffs, and other officers of the city. As a good Whig the Recorder's professions of loyalty were no doubt genuine and hearty. A few years later he was the spokesman of the city again, congratulating the king on the birth of a prince, and the king returned his thanks. Then in 1725, George I., returning from a visit to his beloved Hanover, received the dutiful speech of the Recorder felicitating him on his safe arrival. The treaty between Spain and the Emperor of Germany, which was thought to be injurious to Great Britain, gave occasion for an address from the citizens of London, which was delivered by the Recorder.

On the 11th of June, 1727, George II. ascended the throne, and London was again called on for a welcome to the sovereign. "His

majesty was attended at his palace of Leicester House on the 16th of June, by the lord mayor and aldermen of this city, when Sir William Thompson, the Recorder, complimented his majesty as followeth, &c.," and the speech is given at length in the *History of London*. So there were compliments to the queen also, and when their majesties came to the city on Lord Mayor's Day, Sir William Thompson, in his office as Recorder, is the orator in behalf of the citizens. The account of their British royalties' movements as set down in the city's chronicle, with the due observance of speech-making by the Recorder, is varied by the arrival of six Indian kings in 1728 or 1729 "of the Cherokee nation, bordering upon South Carolina," to whom, doubtless, the city government extended proper courtesies. There was a heated contest at the election of a lord mayor, September 29, 1729. A convention between Great Britain and Spain had been brought about, which was thought by many to be injurious to the former in her trade and commerce, and Sir George Champion, the alderman next the chair, was rejected by the citizens for having yielded to ministerial influence, the minister, it was charged, being in collusion with the King of Spain. "A greater number of liverymen," says the Chronicle, "appeared that day at Guildhall than was ever known on the like occasion, and between one and two o'clock the Right Honorable Micajah Perry, Esq., Lord Mayor, opened the court, when Sir William Thompson, Knt., Recorder of the city, in a speech to the Common Hall, told the citizens, 'That it was their undoubted right to return to the Court of Aldermen two fit and able persons of that court who had served the office of sheriff, out of whom they were to choose one of them to be Lord Mayor for the year ensuing, and that he would not take upon him to dictate to them in their present choice, well knowing their prudence would direct them to act in the best manner for the good peace and welfare of this great city.'"

The Recorder read the Lord Mayor's address on the marriage of the Prince of Wales in 1736, and he made the speech on the occasion of the presentation to the prince of the freedom of the city, when the latter "was admitted of the company of the sadlers, in the time of the Right Honorable Sir John Thompson, Knight, Lord Mayor."

Sir William Thompson was made solicitor-general in February, 1717. And it is in connection with his tenure of this office, which he held for three years only, that the single apparently censurable

action recorded of him is to be found. This consisted in preferring a charge of corruption against his colleague, Attorney-general Lechmere, which after investigation was dismissed as without foundation. The law officers of the crown at this time, says Townsend in his account of the affair, received a large part of their revenues from the fees upon the patents of incorporation of the joint-stock companies then overrunning the country. Sir William Thompson, in the committee which sat to hear the evidence against Lechmere, "called as his principal witnesses the attorneys for the mines and battery companies, who proved that they wanted a charter of insurance, and had nine attendances before the attorney-general, with an array of six counsel on their side and three or four on that of their opponents, and kept up the discussion at his chambers from six till ten at night."

The fee offered was sixty guineas, and the witnesses proved that they gave fifty guineas; but these sums, though large as fees, were considered by the committee as too small to constitute bribes. The second charge against Lechmere, that he permitted "public buildings for charters at his chambers as at an auction," was not substantiated either by the evidence; and as furnishing a motive for the charges of the solicitor-general, it was said that while the references of the companies "were sometimes ordered to be made to the attorney and solicitor jointly, these had been in the proportion of five to one at least to the attorney-general."

It is difficult to believe that Sir William Thompson would have brought the matter into such publicity if he had not thought that he could prove his case; and surely professional courtesy did not require him, as Townsend seems to think, to maintain silence if he believed Sir Nicholas Lechmere guilty. Though condemned at the time for libel, and dismissed from his office, Sir William Thompson must have recovered the good opinion of his judges who felt, perhaps, that he had been too severely dealt with. In 1724 he received the grant of an annuity of twelve hundred pounds and a patent of precedence in all courts after the attorney and solicitor-general.

And it will be remembered that all this time he remained Recorder of London, and retained the confidence of his constituents in Ipswich, where he was also the Recorder of the city. And says Foss, "In November, 1729, he was advanced by a very unusual step from the executive office of Cursitor Baron of the Exchequer to that of a Judicial Baron, having been on the previous day made

a sergeant for the purpose, and his patent differing from the rule by designating him as 'Baron of the Coif.'" His career, indeed, as this writer observes, "presents both an uncommon succession of offices and an extraordinary combination of them."

Sir William Thompson married a widow with a large family, and in his will he leaves legacies to all of his step-children. His wife, Julia, daughter of Sir Christopher Conyers, had married in 1684 Sir William Blackett, a baronet of Wallington in Northumberland, who died in 1705, leaving one son and six daughters. The son, who succeeded his father as Sir William Blackett, married Lady Barbara Villiers, daughter of William, Earl of Jersey, and died without heirs in 1728. Julia Blackett married in 1706 Sir Walter Calverley.¹ Her eldest son, Walter, inherited the estates of his uncle and took the name of Blackett. Julia Calverley married Sir George Trevelyan, Bart., of Nettlecombe. Elizabeth Blackett married William Marshall, son of Sir John Marshall.

Frances married in 1729 Robert, only son of Charles, Lord Bruce, heir to the Earl of Ailesbury. Isabella Blackett married in 1743, after Sir William Thompson's death, David, Earl of Buchan, and died childless in 1763. Diana married Sir William Wentworth, Bart., of Bretton, County York. Anne, the youngest child of Lady Blackett, married first, John Trenchard of Abbots Leigh, County Somerset, and afterwards a Mr. Gordon, and died in 1783. Sir William Thompson had no children, and he left his sister, Sarah Thompson, his residuary legatee. He gave his sister, Mary Thompson, five hundred pounds, and he says of his only married sister, Dorothy: "I make this observation, that my sister and children have had a great share of my fortune already, and cannot in reason expect any more." Yet he leaves a legacy to her and something to her four children. He had lost sight of his brother's "family in far-off Virginia" and no mention is made of them in his will.

Stevens Thompson had been dead (in 1739) for twenty-five years, and perhaps his brother in England did not know that he had left any heirs. Besides his sisters, and his sister Dorothy's children, the only relative named by Sir William Thompson is his cousin, John Thompson, of the exchequer office, whom he makes his executor. Of his step-daughter, Isabella Blackett, Sir William Thompson says: "I release to Mrs. Isabella Blackett all she owes

¹ Of the same family doubtless as Walter Calverley who married Frances Thompson of Esholt.

me and a legacy of two hundred pounds." Isabella became the second wife of David Erskine, tenth Earl of Buchan. Her stepson, David Stewart, the eleventh Earl of Buchan, who was only a year old when she married his father, was afterwards famous as a man of scholarly tastes and of liberal political views, and he was the friend and correspondent of Washington and other American patriots. He was related to Lord Fairfax of "Greenway Court," in Virginia, and professed at one time a desire to become his kinsman's "vassal, on the banks of the Potomac." And on the banks of the Potomac at this time lived Baron Thompson's distinguished grand-nephew, also Washington's friend and correspondent, and, perhaps, not unknown by reputation to the Earl of Buchan. To the youngest of his step children, Mrs. Trenchard of Abbots Leigh, Sir William Thompson makes the bequest of "two hundred pounds and my diamond ring set in the shape of a heart." This was probably "the great diamond shaped like a heart" that was left to Sir William by his mother, as mentioned in her will. Anne must have been the favorite, to have received this heirloom.

To Lady Wentworth, Diana Blackett, was left "two hundred pounds and my rose diamond ring set with small diamonds, and to my god-daughter, Diana Wentworth, two hundred pounds." Diana Wentworth was apparently the only child of Sir Thomas Wentworth, for she was left his heir, and inherited on her father's death "Bretton," the ancient seat of the Wentworths, with its "magnificent mansion." She married Colonel Beaumont, and "Breton Hall" is now owned by the Beaumonts. To "Mrs. Bruce and Mrs. Marshall," Frances and Elizabeth Blackett, their step-father left "twenty pounds each for mourning," and the same sum for mourning was left to "Walter Blackett, Esq., and Mrs. Trevilian, his sister." Sir William Thompson left bequests to some half-dozen servants by name, "and to every other servant living with me at my death twenty pounds." He gave a hundred pounds to his clerk, and he adds: "I release to the corporation of Ipswich all arrears of my salary, which I take to be between two and three hundred pounds, as a remembrance of the regard shown to me by them formerly."

He gives to each of the judges a twenty-shilling ring; to each of the aldermen of the city of London and the three officers attending that court a ring of the same value, and the same to each of the postmen of Ipswich. Sir William Thompson gives his portrait, "my picture drawn by Mr. Loaman, to be disposed of by the Court

of Aldermen of the city of London, either to be hung up in the council chamber where they sit, or in the outer court where the Recorder used to sit, as they shall please to direct." This portrait which hangs now in the Guildhall, London, was given by Sir William, as he declares, as "a token of my respect and grateful sense of the kindness and regard shown to me by the city of London, whose welfare and prosperity I heartily wish and have always endeavored to promote to the best of my capacity," and he expresses his sense of satisfaction that he has "served the city faithfully and with integrity," for which he hopes to be remembered.

In 1743 there was a suit in chancery for the sale of Sir William Thompson's estate, and search was made for his Virginia heirs; but one of his brother's children was then living, this was Ann, widow of Colonel George Mason of Stafford County.

SOME LETTERS OF WILLIAM BEVERLEY.

CONTRIBUTED BY WORTHINGTON CHAUNCEY FORD.

TO MESSRS. MICAJAH PERRY & PHIL. PERRY, MERCHANTS, LONDON.¹

Virg^a, July the 12th, 1737.

GENT.

I have been favour'd with several of yours this year and as you seem to be desirous to oblige me, in return of your favours and to serve you I have broke thro' my former resolution of not shipping tobacco and now put nine hhds of super fine tobacco on board of Waff² (who does all in his power to serve you), it being very fine and 6 hhds of stem^a & the other prime leafe all made at my Quarter on York river & very weighty as you will see by the weights underneath. I hope it will come to a good markt and as it is famous here among the merchants for fine tobacco I beg that you will sell it by it self without joining with any other that it may obtain a good name and become as famous as Mr. Burwell's tobacco.

¹ In 1700, says Lyon G. Tyler, in his notes to the *Journal of William and Mary College*, the "leading firm in London dealing with Virginia was Perry, Lane & Co., the partners being Micajah Perry, Thomas Lane, and Richard Perry. Peter, a brother of Micajah, was agent for the firm in Virginia." A letter dated 1732 was sent by the president of the college to "Mr. Alderman Perry, Merch^t in London."

² Illegible, the vessel was named the *Burwell*.